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June 19, 2001

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VIA HAND-DELIVERY

CORRESPONDENCE FCC MAIL ROOM
FILE

William A. Brown, Esq.
Davida M. Grant, Esq.
Southwestern Bell Telephone Company
1401 I Street, NW, Suite 1100
Washington, DC 20005

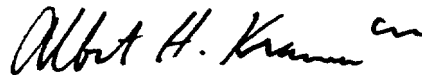
Re: *C.F. Communications Corp., et. al. v. Century Telephone of Wisconsin, Inc., et. al.*
EB Docket No. 01-99
File No. E-93-49

Dear Mr. Brown:

Enclosed please find Complainant's First Set of Interrogatories and First Request for Production of Documents in the above referenced case.

If you have any questions, do not hesitate to call.

Sincerely,



Albert H. Kramer

AHK/cvm

Att.

cc: Service List Attached to Responses

No. of Copies rec'd _____
List A B C D E

2. The Requests for Production are continuing so as to require supplemental Responses pursuant to Rule 26(e) of Fed. R. Civ. P.

3. In responding to the Requests for Production, if you allege a privilege or immunity as to information or documents, or if you otherwise fail to respond to a Request for Production in full, identify the privilege or immunity that is being claimed, describe the general nature of the document or information that is being withheld, identify the date the document or information was created or transmitted, identify the persons or entities by whom or to whom the document or information was created or transmitted, describe the nature of the document or information, and answer the Request for Production to the extent to which it is not objected to. If you withhold any documents from production on the alleged grounds of privilege or immunity, identify, as that term is defined herein, each such document.

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4. Any word written in the singular herein shall be construed as plural or vice versa when necessary to facilitate the Response to any request.

5. Each reference to a firm or company refers to that firm or company, and its parents, subsidiaries, and associated, affiliated, related or controlled companies.

6. If you assert that you are unable to locate or retain any information necessary to answer any of these Requests for Production or subparts because you are unable to locate or obtain documents necessary to ascertaining the information, state separately for each such document the precise reason for your inability to locate

or obtain the document, and detail any steps you have taken to locate or obtain the document.

7. Any assertion that any Request for Production is objectionable because of the subject matter of the information requested, the time period for which information is sought, or for any other reason, shall not relieve you of the duty to respond to any remaining parts or aspects of the same Request for Production that you do not raise any objection to.

8. For any lists of ANIs, telephone lines, and/or EUCL charges billed and/or paid that you provide in Response to these Requests for Production, please provide the information on 3.5 inch diskette or on compact disc in, or in a format compatible with, one or more of the following: Microsoft Excel 97, Lotus 1-2-3, or Microsoft Word to the extent possible.

9. Any document that is not exactly identical to another document for any reason, including, but not limited to, marginal notations, deletions, redrafts or rewrites, is a separate document and should be produced.

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10. If you do not have any documents in your possession, custody, or control that are responsive to a particular Request for Production, or if there are not any documents responsive to a particular Request for Production, state unambiguously in your Response that you do not have any documents responsive to the Request for Production or that there are not any documents responsive to that Request for Production.

DEFINITIONS

1. The terms “and” as well as “or,” as used herein, shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request all responses which otherwise might be construed to be outside its scope.

2. The phrase “Commission definition,” as used herein, shall mean the definition of public and semi-public pay telephone service set forth by the Federal Communications Commission in the *First Reconsideration Order*, 97 FCC 2d at 704, n. 40 and n. 41, as clarified in the *Liability Order*, 15 FCC Rcd at 8771, specifically:

A pay telephone is used to provide semipublic telephone service when there is a combination of general public and specific customer need for the service, such as at a gasoline station or pizza parlor. *First Reconsideration Order*, 97 FCC 2d at 704, n. 40. The BOCs provide directory listing with this service. *Id.* (citation omitted). A pay telephone is used to provide public telephone service when a public need exists, such as at an airport lobby, at the option of the telephone company and with the agreement of the owner of the property on which the phone is placed. *Id.* at 740, n. 41 (citation omitted). The dichotomy set forth in the First Reconsideration Order required us to evaluate the manner in which the payphone was used – e.g., whether it was used in a manner that allowed for identification of an end user. *Liability Order*, 15 FCC Rcd at 8771, ¶ 20.

3. The terms “Complainant,” and/or “Plaintiff,” as used herein, shall include Millicom Services Company, Millicom Communications, Inc., ATI Services, Inc., New York City Telecommunications Company, Inc., MSC Services, Inc., and

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any and all predecessor or successors of these entities, as well as individuals or entities acting on behalf of any of these entities.

4. The term "Complaint," as used herein, shall mean Plaintiff's formal complaint filed with the Federal Communications Commission and any amendments thereto filed in this action.

5. The terms "Defendant," "you," "your," "SBC," and/or "Southwestern Bell Telephone Company," as used herein, shall be defined to include the Defendant, Southwestern Bell Telephone Company ("SBC"), and any and all of its predecessors, successors, parents, subsidiaries, or divisions, as well as any agents, attorneys, employees, or other persons acting on behalf of any of these entities.

6. The terms "director," "officer," "employee," "agent," "representative," as used herein, shall mean any individual serving as such and any individual serving at any relevant time in such capacity, even though no longer serving in such capacity.

7. The term "document(s)" or "record(s)" as used herein, means all materials within the full scope of Federal Rule of Civil Procedure 34, including but not limited to: all writings and recordings, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise (including without limitation, correspondence, memoranda, notes, diaries, minutes, statistics, letters, telegrams, minutes, contracts,

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reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, telegrams, receipts, returns, summaries, pamphlets, books, interoffice and intraoffice communications, offers, notations of any sort of conversations, working papers, applications, permits, file wrappers, indices, telephone calls, meetings or printouts, teletypes, telefax, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural representations of any kind (including without limitation, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings), and electronic, mechanical, magnetic, optical or electric records or representations of any kind (including without limitation, computer files and programs, tapes, cassettes, discs, recordings).

8. The term “operating telephone company,” as used herein, shall mean an incumbent local exchange carrier (“ILEC”), as defined in the Telecommunications Act of 1996, 47 U.S.C. 251(h) (1996).

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9. The terms “person” or “persons,” as used herein, shall mean natural persons (including those employed by the Complainant or Defendant), and any and all such person’s principals, employees, agents, attorneys, consultants, and other representatives, and shall also include any partnership, foundation, proprietorship, association, organization, or group of natural persons.

10. The term “premises” as used herein, shall mean the street address of the location in which a payphone is installed. Where no street address exists for the

location where the payphone is installed, "premises" shall mean the geographic location of the phone within a specific city, county, or town (i.e., "on the public right of way on the corner of 21st Street and L Street in the City of Washington, D.C. 20037"). The term "premises," as used herein, does not mean the precise location where a phone is installed within a premises (i.e. "on the wall beside the rear door").

11. The terms "evidencing," "referencing," "reflecting," "relating to," and "referring to," as used herein, shall be interpreted so as to encompass the full scope of discovery set forth in Federal Rule of Civil Procedure 26(b)(1).

12. The term "third party," as used herein, shall mean any person or entity not a party to this lawsuit.

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REQUESTS FOR PRODUCTION

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1. Any and all documents in your possession, custody, or control which you identified, relied upon, or referred to in responding to Complainant's First Set of Interrogatories to Defendant.

2. Any and all documents in your possession, custody, or control which evidence, reference, or reflect the amount of any and all EUCL charges imposed by SBC, per public access telephone line per month, in the operating territory of SBC (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

3. Any and all documents in your possession, custody, or control which evidence, reference, or reflect any and all SBC telephone lines subscribed to by Complainant in the operating territory of SBC (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

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4. Any and all billing records and/or other documents in your possession, custody, or control which evidence, reference, or reflect any and all EUCL charges imposed on lines subscribed to by Complainant in the operating territory of SBC (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

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5. Any and all installation records and/or other documents in your possession, custody, or control which evidence, reference, or reflect the installation of any telephone lines subscribed to by Complainant in the operating territory of SBC (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

6. Any and all documents in your possession, custody, or control which evidence, reference, or reflect the payment of any and all invoices sent from SBC to Complainant (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

7. Any and all documents in your possession, custody, or control which evidence, reference, or reflect the failure to pay any invoices sent from SBC to

Complainant (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

8. Any and all documents in your possession, custody, or control which evidence, reference, or reflect the late payment of any invoices sent from SBC to Complainant (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

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9. Any and all documents in your possession, custody, or control which evidence, reference, or reflect whether any of the payphones owned or serviced by Complainant were capable, as subscribed, of receiving incoming phone calls.

10. Any and all documents in your possession, custody, or control which evidence, reference, or reflect the tariffs subscribed to by Complainant for payphones in service in the operating territory of SBC (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

11. Any and all documents in your possession, custody, or control which evidence, reference, or reflect whether the payphones owned and/or serviced by Complainant in the operating territory of SBC were public or semi-public under the Commission definition (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

12. Any and all documents in your possession, custody, or control which evidence, reference, or reflect whether the payphones owned and/or serviced by Complainant in the operating territory of SBC were public or semi-public under the

standards set forth in your Response to Interrogatory Number 11 propounded by Complainant (a) during the time period from 1987 through 1990, and (b) during the time period from 1991 through April 16, 1997.

13. Any and all documents in your possession, custody, or control which evidence, reference, or reflect whether, for each payphone owned and/or serviced by Complainant in the operating territory of SBC during the time period from 1987 through April 16, 1997, there was “a combination of general public and specific customer need” at the location of the telephone line.

14. Any and all documents in your possession, custody, or control which support any contention you have that any of the telephone lines owned or operated by Complainant in the operating territory of SBC during the time period from 1987 through April 16, 1997 had extensions connected to them and/or directory listings assigned to them.

15. Any and all documents in your possession, custody, or control which evidence, reference, or reflect the total number of payphones that SBC had in operation in the operating territory of SBC during each month of the period (a) from 1987 through 1990, and (b) from 1991 through April 16, 1997.

16. Any and all documents in your possession, custody, or control which evidence, reference, or reflect the number of SBC payphones tarified as “semi-public” in the operating territory of SBC that were in service during each month of (a) the period from 1987 through 1990, and (b) the period from 1991 through April 16, 1997.

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17. Any and all documents in your possession, custody, or control which evidence, reference, or reflect the number of SBC payphones in the operating territory of SBC that were “semi-public” during each month of the period from 1987 through April 16, 1997, under (a) the Commission definition, and (b) the standards set forth in your Response to Interrogatory Number 11 propounded by Complainant.

18. Any and all documents in your possession, custody, or control which evidence, reference, or reflect any extensions that were connected to any phone lines to which any SBC payphones were connected during the time period (a) from 1987 through 1990, and (b) from 1991 through April 16, 1997.

19. Any and all documents in your possession, custody, or control which evidence, reference, or reflect any directory listings for any phone lines connected to SBC payphones during the time period (a) from 1987 through 1990, and (b) from 1991 through April 16, 1997.

20. Any and all documents in your possession, custody, or control which evidence, reference, or reflect any communications between you and Complainant, other than phone bills, regarding the billing, payment, or non-payment of EUCL charges by Complainant in the operating territory of SBC during the time period from 1987 through April 16, 1997.

21. Any and all records in your possession, custody, or control which evidence, reference, or reflect SBC’s practices and/or policies, during the time period from 1987 through April 16, 1997, regarding non-payment and/or late

payment of telephone bills, EUCL charges, and/or other charges, by independent payphone providers, business line subscribers, and/or residential subscribers.

22. Any and all documents in your possession, custody, or control which evidence, reference, or reflect SBC's standards or criteria for determining the placement of public and/or semi-public payphones inside or outside a particular premises, and/or the standards or criteria for determining the location where a public and/or semi-public payphone would be installed on the particular premises, including, but not limited to, any sales and/or installation manuals or guidelines.

23. Any and all documents in your possession, custody, or control which evidence, reference, or reflect any representations made by SBC regarding the ratio of, or number of, SBC public payphones to semi-public payphones to any person, entity, or governmental body, including, but not limited to, any representations made to the Commission, to any court, and/or to any state or federal agency or regulatory body.

24. Any and all documents in your possession, custody, or control which evidence, reference, or reflect any authorization or agreement by SBC for the placement of amounts billed to Complainant for EUCL charges in escrow.

25. Any and all documents in your possession, custody, or control which evidence, reference, or reflect any tariff provisions that governed EUCL charges imposed by SBC, non-payment or late payment of amounts billed by SBC, and/or the termination of telephone service by SBC, during the time period from 1987 through April 16, 1997.

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26. Any and all documents in your possession, custody, or control which evidence, reference, or reflect SBC's document retention and destruction policies during the time period from 1987 through the present, including the policies as to electronic or computerized records.

27. Any and all customer service records and/or service order records in your possession, custody, or control relating or referring to Complainant.

28. Any and all documents provided to any expert you might call as a witness at the hearing in this case.

29. Any and all documents prepared by, or under the direction or supervision of, any expert you might call as a witness at the hearing in this case, including any and all reports that contain preliminary conclusions.

Dated: June 19, 2001

Respectfully submitted,

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DICKSTEIN SHAPIRO MORIN
& OSHINSKY LLP

2101 L Street, N.W.
Washington, D.C. 20037-1526
(202)785-9700

Attorneys for Complainant

By: Albert H. Kramer
Albert H. Kramer

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2001, a copy of the foregoing Complainant's First Set of Requests for Production of Documents to Defendant was served by hand-delivery on William A. Brown, Esq., and Davida M. Grant, Esq., Southwestern Bell Telephone Company, 1401 I Street, NW, Suite 1100, Washington, DC 20005, and by first-class mail, postage prepaid, on the following parties:

The Honorable Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Magalie Roman Salas, Secretary
Office of the Commission Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-B204
Washington, D.C. 20554

Tejal Mehta, Esquire
Federal Communications Commission
Market Disputes Resolution Division
Enforcement Bureau
445 12th Street, SW
Washington, D.C. 20554

David H. Solomon, Chief
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Sherry A. Ingram
Verizon
1320 Court House Road
Arlington, VA 22201

John M. Goodman
Verizon
1300 I Street, NW
400W
Washington, DC 20005

Michael Thompson, Esquire
Wright & Talisman, P.C.
1200 G Street, NW
Washington, D.C. 20005

Rikke Davis, Esquire
Sprint Corporation
401 9th Street, NW, Suite 400
Washington, D.C. 20004

Mary Sisak, Esquire
Robert Jackson, Esquire
Blooston, Mordkowsky, Dickens, Duffy & Prendergast
2120 L Street, NW, Suite 300
Washington, D.C. 20037

Angela M. Brown, Esquire
Theodore Kingsley, Esquire
Bell South Telecommunications, Inc.
675 West Peachtree Street, Suite 4300
Atlanta, Georgia 30375


Charles V. Mehler III

3. When answering the Interrogatories, give estimates or approximations only when precise data cannot be supplied

4. In your Response to each Interrogatory, separately set forth and identify with a description, the source, sources or derivation of each Response unless the person signing the Responses to the Interrogatories under oath knows of his or her personal and direct knowledge the facts or information forming the basis of all Responses given.

5. If you cannot answer any Interrogatory in full, answer the Interrogatory to the extent possible, and include an explanation as to (a) the nature of the information or knowledge that cannot be furnished; and (b) why the remainder cannot be answered.

6. The Interrogatories are continuing so as to require supplemental Responses pursuant to Rule 26(e) of Fed. R. Civ. P.

7. In answering the Interrogatories, if you allege a privilege or immunity as to information or documents, or if you otherwise fail to answer an Interrogatory in full, identify the privilege or immunity that is being claimed, describe the general nature of the document or information that is being withheld, identify the date the document or information was created or transmitted, identify the persons or entities by whom or to whom the document or information was created or transmitted, describe the nature of the document or information, and answer the Interrogatory to the extent to which it is not objected to. If you withhold any documents from production on the alleged grounds of privilege or immunity, identify, as that term is defined herein, each such document.

8. Whenever an Interrogatory refers to or seeks a description of an act, transaction, occurrence, dealing or instance, your Response shall include, but not be limited to: (a) the date, including year, month and day, when it occurred; (b) the place where it occurred; (c) the identify of each person participating therein; (d) on whose behalf each such person participated or purported to participate; (e) the nature, subject matter, and circumstances surrounding it; (f) the nature and substance of all conversations or oral communications occurring during, or in connection with it; and (g) shall identify all documents concerning it.

9. Any word written in the singular herein shall be construed as plural or vice versa when necessary to facilitate the Response to any request.

10. Each reference to a firm or company refers to that firm or company, and its parents, subsidiaries associated, affiliated, related or controlled companies.

11. If you assert that you are unable to locate or retain any information necessary to answer any of these Interrogatories or subparts because you are unable to locate or obtain documents necessary to ascertaining the information, state separately for each such document the precise reason for your inability to locate or obtain the document, and detail any steps you have taken to locate or obtain the document.

12. Any assertion that any Interrogatory is objectionable because of the subject matter of the information requested, the time period for which information is sought, or for any other reason, shall not relieve you of the duty to respond to any remaining parts or aspects of the same Interrogatory that you do not raise any objection to.

13. For any lists of ANIs, telephone lines, and/or EUCL charges billed and/or paid that you provide in Response to these Interrogatories, please provide the information on 3.5 inch diskette or on compact disc in, or in a format compatible with, one or more of the following: Microsoft Excel 97, Lotus 1-2-3, or Microsoft Word to the extent possible.

DEFINITIONS

1. The terms “and” as well as “or,” as used herein, shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request all responses which otherwise might be construed to be outside its scope.

2. The phrase “Commission definition,” as used herein, shall mean the definition of public and semi-public pay telephone service set forth by the Federal Communications Commission in the *First Reconsideration Order*, 97 FCC 2d at 704, n. 40 and n. 41, as clarified in the *Liability Order*, 15 FCC Rcd at 8771, specifically:

A pay telephone is used to provide semipublic telephone service when there is a combination of general public and specific customer need for the service, such as at a gasoline station or pizza parlor. *First Reconsideration Order*, 97 FCC 2d at 704, n. 40. The BOCs provide directory listing with this service. *Id.* (citation omitted). A pay telephone is used to provide public telephone service when a public need exists, such as at an airport lobby, at the option of the telephone company and with the agreement of the owner of the property on which the phone is placed. *Id.* at 740, n. 41 (citation omitted). The dichotomy set forth in the First Reconsideration Order required us to evaluate the manner in which the payphone was used – e.g., whether it was used in a manner that allowed for identification of an end user. *Liability Order*, 15 FCC Rcd at 8771, ¶ 20.

3. The terms “Complainant,” and/or “Plaintiff,” as used herein, shall include Millicom Services Company, Millicom Communications, Inc., New York City

Telecommunications Company, Inc., ATI Services, Inc., MSC Services, Inc., and any and all predecessor or successors of these entities, as well as individuals or entities acting on behalf of any of these entities.

4. The term “Complaint,” as used herein, shall mean Plaintiff’s formal complaint filed with the Federal Communications Commission and any amendments thereto filed in this action.

5. The terms “Defendant,” “you,” “your,” “SBC” and “Southwestern Bell Telephone Company,” as used herein, shall be defined to include the Defendant, Southwestern Bell Telephone Company (“SBC”), and any and all of its predecessors, successors, parents, subsidiaries, or divisions, as well as any agents, attorneys, employees, or other persons acting on behalf of any of these entities.

6. “Describe” and/or “state,” as used herein, shall mean to set forth fully and unambiguously every fact relevant to the subject of the Interrogatory, of which you (including your agents and representatives) have knowledge or information.

7. The terms “director,” “officer,” “employee,” “agent,” or “representative,” as used herein, shall mean any individual serving as such and any individual serving at any relevant time in such capacity, even though no longer serving in such capacity.

8. The term “document(s)” or “record(s)” as used herein, means all materials within the full scope of Federal Rule of Civil Procedure 34, including but not limited to: all writings and recordings, including the originals and all non-identical copies, whether

different from the original by reason of any notation made on such copies or otherwise (including without limitation, correspondence, memoranda, notes, diaries, minutes, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, telegrams, receipts, returns, summaries, pamphlets, books, interoffice and intraoffice communications, offers, notations of any sort of conversations, working papers, applications, permits, file wrappers, indices, telephone calls, meetings or printouts, teletypes, telefax, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural representations of any kind (including without limitation, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings), and electronic, mechanical, magnetic, optical or electric records or representations of any kind (including without limitation, computer files and programs, tapes, cassettes, discs, recordings).

9. The terms “identify,” “identification,” “describe,” “description” or “state” as used herein, shall mean:

(a) with respect to a person, his or her name and present (of if unknown, the last known) home and business addresses, present (of if unknown, the last known) place of employment, date(s) of commencement and termination of employment, job title and description of his or her duties and responsibilities;

(b) with respect to a corporation or other legal entity, the full name, address and state of incorporation, if known, and the identity of the person(s) who acted on behalf of such entity with respect to the subject matter of the Interrogatory;

(c) with respect to a document, the type of document (*e.g.*, letter, telex, contract, calendar pad, report), the number of pages of which it consists, a general description of the document's contents, identification of the person(s) who prepared the document, for whom it was prepared, who signed it, to whom it was delivered, mailed, or otherwise received, and to whom a copy was sent or otherwise received, date of writing, creation or publication, the identifying number(s), letter(s), or combination thereof, if any, and the significance or meaning of such number(s), letter(s) or combination thereof, and the present location and identity of the custodian of that document. Documents to be identified shall include both documents in your possession, custody or control, documents known by you to have existed but no longer existing, and other documents of which you have knowledge or information; with respect to a document: (i) known to have existed but no longer existing, include the type of document, the identity of its last known custodian, and the date on and circumstances under which the document was lost, destroyed, or otherwise became unavailable; (ii) once but no longer in your possession, custody or control, or the possession, custody or control of your agents (including but not limited to attorneys) include the date on and circumstances under which the document was disposed of, destroyed, surrendered from or otherwise left your possession, custody or control, the identity of its present (or last known) custodian and the location of such document, if known; and (iii) in lieu of identification of a document, you may, simultaneously with the filing of your Responses to these Interrogatories, produce such document for inspection and copying by Defendants, at the office of Defendants' counsel, Albert H. Kramer, Esq., Dickstein, Shapiro, Morin & Oshinsky, LLP, 2101 L Street, NW, Washington, D.C.

20037-1526, provided that such document is segregated in such a way as to indicate the particular Interrogatory to which it is responsive.

(d) with respect to communications, the date of such communication, the identification of each party to the communication, the place at which each party was located, the substance thereof and the method of such communications (e.g., in person or by telephone).

(e) with respect to an oral statement (including a conversation, conference, or other oral contract), identify all persons making the statement, all persons to whom such statement was made, and all other persons present at the time of such statement; state the date of such statement; state the place where such statement was made, or if by telephone, the person participating in the telephone call, the person making the call, and the places where the persons participating in the call were located; and state the substance of such statement.

10. The term “operating telephone company,” as used herein, shall mean an incumbent local exchange carrier (“ILEC”), as defined in the Telecommunications Act of 1996, 47 U.S.C. 251(h) (1996).

11. The terms “person” or “persons,” as used herein, shall mean natural persons (including those employed by the Complainant or Defendant), and any and all such person’s principals, employees, agents, attorneys, consultants, and other representatives, and shall also include any partnership, foundation, proprietorship, association, organization, or group of natural persons.

12. The term “premises” as used herein, shall mean the street address of the location in which a payphone is installed. Where no street address exists for the location where the payphone is installed, “premises” shall mean the geographic location of the phone within a specific city, county, or town (i.e., “on the public right of way on the corner of 21st Street and L Street in the City of Washington, D.C. 20037”). The term “premises,” as used herein, does not mean the precise location where a phone is installed within a premises (i.e. “on the wall beside the rear door”).

13. The terms “relating to” and “referring to,” as used herein, shall be interpreted so as to encompass the scope of discovery set forth in Federal Rule of Civil Procedure 26(b)(1).

14. The term “third party,” as used herein, shall mean any person or entity not a party to this lawsuit.

INTERROGATORIES

1. State the legal corporate name of each SBC operating telephone company in SBC’s operating territory that is currently owned by SBC, and any and all names under which SBC and/or any of its predecessors, successors, parents, subsidiaries, or divisions conducted business in SBC’s operating territory during the period from 1987 through the present, identifying for each entity each change in corporate name and/or structure and the date such change occurred.

2. State the amount of each and every end user common line (“EUCL”) charge imposed by SBC, per public access telephone line per month, in the operating territory of SBC (a) during the period from 1987 through 1990 and (b) during the period from 1991 through April 16, 1997.

3. Identify, by ANI and address, each SBC telephone line subscribed to by Complainant in the operating territory of SBC (a) during the period from 1987 through 1990, and (b) during the period from 1991 through April 16, 1997, including for each the date of installation and date the telephone line was suspended or disconnected and/or reconnected.

4. For each telephone line identified in your Response to Interrogatory No. 3, state the amount of EUCL charges billed on the line each month (a) during the period from 1987 through 1990 and (b) during the period from 1991 through April 16, 1997.

5. For each telephone line identified in your Response to Interrogatory No. 3, identify all billing records and/or other records evidencing, referencing, or reflecting any and all EUCL charges imposed on such lines.

6. For each telephone line identified in your Response to Interrogatory No. 3, identify all installation records regarding such lines.

7. For each telephone line identified in your Response to Interrogatory No. 3, identify all records evidencing payment of any and all invoices from SBC (a) during the period from 1987 through 1990, and (b) during the period from 1991 through April 16,

1997, including, but not limited to, payment of any and all EUCL charges imposed on such telephone lines.

8. For each telephone line identified in your Response to Interrogatory No. 3, state whether any EUCL charges billed on any such line were never paid, in whole or in part, and, if so, identify for each such line: (a) the amount not paid; (b) the date such charge was billed; (c) the date payment was due; (d) the amount of any late charges, penalties, and/or interest imposed due to non-payment of the EUCL charges; (e) whether telephone service was ever terminated or threatened to be terminated as a result of such non-payment and, if so, when; (f) whether any lawsuit was ever instituted by SBC regarding non-payment of such EUCL charges; and (g) all records evidencing, relating, or referring to the non-payment of the EUCL charges, including, but not limited to any deficiency notices, suspension notices, and termination notices.

9. For each telephone line identified in your Response to Interrogatory No. 3, state whether any EUCL charges billed on any such line were ever paid late, in whole or in part, and, if so, identify for each such line: (a) the amount paid late; (b) the date such charge was billed; (c) the date payment was due; (d) the amount of any late charges, penalties, and/or interest imposed due to late payment of the EUCL charges; (e) whether telephone service was ever terminated or threatened to be terminated as a result of such late payment and, if so, when; (f) whether any or all of the charges remain unpaid and, if not, when such charges were paid; (g) whether any lawsuit was ever instituted by SBC regarding late payment of such charges; and (h) all records evidencing, relating, or referring to the

late payment of the EUCL charges, including, but not limited to any deficiency notices, suspension notices, and termination notices.

10. For each telephone line identified in your Response to Interrogatory No. 3, state whether the line, as subscribed, was capable of receiving incoming phone calls, and if so, the time period during which the line, as subscribed, had this capability.

11. State what you consider to be a “semi-public” payphone, including each and every attribute that you consider indicating a payphone’s semi-public status, as opposed to attributes indicating a payphone’s public status.

12. Identify each attribute that you consider relevant to the determination of whether a phone is “semi-public” rather than “public” under the Commission definition.

13. State whether you consider the following attributes relevant to the determination of whether a payphone is public or semi-public under the Commission definition and, if so, whether the factor tends to indicate that the phone is public or tends to indicate that the phone is semi-public:

(a) whether the payphone line had a directory listing;

(b) whether the premises owner or the person or entity that controlled the premises determined the location within or at the premises where the payphone was or would be installed;

(c) whether there was an extension off the payphone line;

(d) whether the payphone was placed on the premises only by agreement with (as opposed to at the direction of) the premises owner or the person or entity that controlled the premises;

(e) whether the payphone provider intended to offer public payphone service;

(f) whether the premises owner or the person or entity that controlled the premises paid for the installation of the payphone;

(g) whether the payphone was capable, as subscribed, of receiving incoming phone calls pursuant to the telephone service actually subscribed to for that payphone;

(h) Whether the premises owner or person or entity that controlled the premises paid the payphone provider a monthly fee to have the payphone located at the premises.

14. State the total number of payphones that SBC had in operation in the operating territory of SBC during each month of the period (a) from 1987 through 1990 and (b) from 1991 through April 16, 1997.

15. State the number of SBC payphones tariffed as "semi-public" in the operating territory of SBC that were in service during each month of (a) the period from 1987 through 1990, and (b) the period from 1991 through April 16, 1997.

16. State the number of SBC payphones in the operating territory of SBC that were “semi-public” during each month of the period from 1987 through April 16, 1997, under (a) the Commission definition; and (b) the standards set forth in your Response to Interrogatory Number 11.

17. During the period from 1987 through April 16, 1997, did SBC allow extensions to be connected to the phone lines to which SBC payphones were connected? If so, identify each such line by ANI, location, and class of service (public or semi-public), identify the time period during which each such extension was connected and in operation, and identify whether the extension (i) was connected by SBC, by the premises owner, or by a third party; and (ii) allowed outgoing calls to be placed without accessing an operator or calling platform and without deposit of coins to pay for the calls.

18. During the period from 1987 through April 16, 1997, did SBC allow directory listings on the phone lines on which SBC payphones were connected? If so, identify each such line by ANI, location, and class of service (public or semi-public), identify the time period during which each such directory listing existed, and identify who requested the directory listing.

19. For each telephone identified in Response to Interrogatory Number 3, state whether the telephone line was (a) tariffed as semi-public; (b) semi-public under the Commission definition; and/or (c) semi-public under the criteria set forth in your Response to Interrogatory Number 11.

20. For each telephone line identified in your Response to Interrogatory Number 3, state whether you contend that there was “a combination of general public and specific customer need” for the payphone service at the location of the telephone line and, if so, state the basis for your contention.

21. For each telephone line identified in your Response to Interrogatory Number 3, identify whether any of the telephone lines had, to your knowledge, extensions connected to them and/or directory listings assigned to them. If so, identify, the ANI, whether it had an extension and/or a directory listing, and the time period during which the extension and/or directory listing existed.

22. Identify all communications between you and Complainant, other than phone bills or records identified elsewhere in your Responses to these Interrogatories, regarding the billing, payment, or non-payment of EUCL charges by Complainant in the operating territory of SBC during the period from 1987 through April 16, 1997.

23. State the business practices and/or policies of SBC during the period from 1987 through April 16, 1997, regarding non-payment of telephone bills, and/or EUCL charges, and/or other charges, by independent payphone providers, business line subscribers, and/or residential line subscribers, including, but not limited to, whether telephone service would be terminated due to such non-payment and, if so, when such termination would occur.

24. Identify all documents regarding, relating, or referring to SBC’s standards or criteria for determining the placement of public and/or semi-public payphones inside or

outside a particular premises, and/or the standards for determining the location where a public and/or semi-public payphone would be installed on a particular premises, including, but not limited to, any sales manuals or guidelines and/or installation manuals or guidelines.

25. Identify any representations made by SBC regarding the ratio of, or number of, SBC public payphones to semi-public payphones to any person, entity, or governmental body, including, but not limited to, any representations to the Commission, to any court, and/or to any state or federal agency or regulatory body, identifying for each such representation the date the representation was made and any documents reflecting, referring to, or evidencing the representation .

26. State whether you ever authorized Complainant to place any amounts billed to Complainant for EUCL charges in escrow or agreed to the placement of such amounts in escrow, and, if so, identify any and all communications, documents, and/or records regarding such authorization or agreement.

27. Identify all SBC tariff provisions that governed EUCL charges, non-payment of amounts billed by SBC, and/or the termination of telephone service by SBC, during the time period from 1987 through April 16, 1997.

28. State the document retention and destruction policy or policies of SBC during the period from 1987 through the present, including, but not limited to, the policies as to the retention or destruction of billing records, installation records, and

payment records, and the policies as to the retention or deletion of electronic or computerized records.

29. If you contend that any documents or records responsive to the matters raised in these Interrogatories are no longer in your possession because such documents or records were destroyed, not retained, or deleted: (a) identify the records and/or type of records no longer in your possession; (b) state the approximate date of such records; (c) state the approximate date such records were last in your possession; (d) identify all individuals with knowledge of these records; (e) identify all individuals with knowledge of the destruction, failure to retain, or deletion of these records; (f) state whether the documents were destroyed pursuant to the policies identified in your Response to Interrogatory Number 28 and, if so, identify the specific provision in the policy relied upon in destroying, not retaining, or deleting the records; and (g) if the documents were destroyed, not retained, or deleted for some reason not reflected in the policies identified in your Response to Interrogatory Number 28, explain why such records were destroyed, not retained, or deleted.

30. For each document identified in your Responses to these Interrogatories or produced or made available in response to these Interrogatories, identify each person who is now, or has been at any time during the period from 1987 through the present, the custodian of each such document. For each custodian identified, state: (a) the custodian's job title, company, and department at the time when he or she was custodian of the records; (b) the specific records for which the individual was custodian; (c) whether the

individual is still employed by SBC and, if so, his or her current job title, company, and department; and (d) if the individual is no longer employed by SBC, the individual's last job title, company, and department at SBC.

31. For any business records or electronic records provided in lieu of any of the information requested in these Interrogatories, identify and describe each type of record you provide, the location of such record, the author of such record, and the specific Interrogatory for which such record contains responsive information.

32. Identify all persons with knowledge of the EUCL charges billed by SBC to Complainant during any part of the time period from 1987 through April 16, 1997, the payment or non-payment of such EUCL charges by Complainant, and/or the number of SBC lines subscribed to by Complainant in New York during this time period.

33. Identify all witnesses who may be called by you at any hearing or proceeding in this case, along with a summary of the facts as to which each witness is expected to testify.

34. With respect to any person whom you expect to call as an expert witness at any hearing or proceeding in this case, state the subject matter on which the expert is expected to testify, state the grounds for each opinion, state the expert's occupation and field of specialization, state the expert's qualifications and educational background, including a list of all publications authored by the witness within the preceding 10 years, state the compensation to be paid for any study executed by the witness and any testimony by the witness, provide a listing of any other cases in which the witness has testified as an

expert in any hearing, trial, proceeding, or deposition in the preceding 10 years, and identify all documents or information the expert is considering, has considered, was provided, or will be provided, in connection with his or her retention as an expert.

35. As to your Response to each Interrogatory, or subpart thereof, identify the person or persons who provided the information and, as to each such person, describe the information provided.

Dated: June 19, 2001

Respectfully submitted,

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Attorneys for Complainant

By: Albert H. Kramer
Albert H. Kramer

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2001, a copy of the foregoing Complainant's First Set of Interrogatories to Defendant was served by hand-delivery on William A. Brown, Esq., and Davida M. Grant, Esq., Southwestern Bell Telephone Company, 1401 I Street, NW, Suite 1100, Washington, DC 20005, and by first-class mail, postage prepaid, on the following parties:

The Honorable Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Magalie Roman Salas, Secretary
Office of the Commission Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-B204
Washington, D.C. 20554

Tejal Mehta, Esquire
Federal Communications Commission
Market Disputes Resolution Division
Enforcement Bureau
445 12th Street, SW
Washington, D.C. 20554

David H. Solomon, Chief
Enforcement Bureau
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Washington, D.C. 20004

Mary Sisak, Esquire
Robert Jackson, Esquire
Blooston, Mordkowsky, Dickens, Duffy & Prendergast
2120 L Street, NW, Suite 300
Washington, D.C. 20037

Angela M. Brown, Esquire
Theodore Kingsley, Esquire
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675 West Peachtree Street, Suite 4300
Atlanta, Georgia 30375

A handwritten signature in black ink, reading "Charles V. Mehler III", written over a horizontal line.

Charles V. Mehler III